

BIBLIOGRAPHY ON THE COMMUNIST PROBLEM IN THE UNITED STATES. The Fund for the Republic, Inc., New York City, 1955. Pp. xiii, 474. \$5.00.

DIGEST OF THE PUBLIC RECORD OF COMMUNISM IN THE UNITED STATES. The Fund for the Republic, Inc., New York City, 1955. Pp. xxxv, 753. \$5.00.

THESE two volumes are the result of a research project instituted by The Fund for the Republic. Under the supervision of a committee consisting of Professor Clinton Rossiter of Cornell, The Reverend Joseph M. Snee, Professor of Law at Georgetown, and Professor Arthur E. Sutherland of the Harvard Law School (Professor Charles Fairman also participated for a time at the beginning), the actual work was done by Professor Charles Corker, formerly of Stanford Law School, and a staff of researchers. The books are good examples of what can be accomplished by mass-production research methods. They constitute an immensely valuable research tool for lawyers, political scientists, publicists, statesmen, debaters and the general public. Since The Fund for the Republic has a considerable amount of money to work with, and is using it for other studies that deal with substantive issues, the funds devoted to these compilations of material seem well and wisely spent.

The *Bibliography* undertakes to list all major material in books, pamphlets and periodicals dealing with Communism and related problems in the United States. It commences with the origin of the American Communist Party in 1919 and carries through to 1952. Unfortunately, "the lag in indexing, and difficulties in obtaining recent materials in process of acquisition or being bound prevented thorough coverage in subsequent material."<sup>1</sup> To leave a gap of over two years seems quite unnecessary; there must be some way the researchers for The Fund for the Republic could cope with the natural tendency of libraries to keep all current material at the bindery. Also unfortunately, the *Bibliography* makes no attempt to collect the major material on Communism abroad.

Nearly sixty per cent of the volume is taken up by a listing of publications alphabetically under the author's name together with a brief description of the approach and contents. Most of the remainder classifies the same material under nine broad headings, which in turn are subdivided to make twenty-seven separate categories in all. There are five appendices dealing with particular topics, including a "Short Reading List on Communism" and a list of microfilm records made of twenty-three major trials of Communists.

In general, so far as one can determine by glancing through the *Bibliography*, the collection of material on the history, organization, objectives and techniques of the Communist Party, and its operations in various sectors of American life, is thorough and well selected. There are frequent references to Communist writings, not otherwise easy to locate. But the material on related problems—sedition laws, legislative investigations, loyalty programs, passport regulations, and the like—seems much less comprehensive. Moreover, this

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material is not broken down into a sufficient number of classifications to be readily usable. Nor is there a particularized index.

The execution of the project, including the brief descriptions of the publications listed, seems on the whole well done. Nevertheless, in glancing through the *Bibliography* I noted several deficiencies; whether these are typical or exceptional it is hard to say in the absence of further research (which the reviewer could not undertake without a grant from The Fund for the Republic). Strangely enough, comparing the *Bibliography* with the modest library on my office shelves, I detected glaring omissions. The *Bibliography* does not list Max Lowenthal's book, *The Federal Bureau of Investigation*, Alison Reppy's *Civil Rights in the United States*, or anything by Thurman Arnold, who has contributed several acid pieces on the loyalty program. Furthermore, the "objective" descriptions slipped on at least one occasion. After the listing of a pamphlet by Albert E. Kahn, published by the Progressive Citizens of America in 1948, the description adds: "The Progressive Citizens of America has been cited by the Attorney General as a Communist front."<sup>2</sup> The Progressive Citizens of America was never included on the Attorney General's subversive list. Finally, and somewhat more important, I thought the "Short Reading List on Communism" seriously inadequate. It consists mostly of either official Communist literature or else pieces written from the opposite extreme viewpoint, including a good proportion of ex-Communist writings. There is a woeful lack of "liberal" writing—such as Alan Barth's *The Loyalty of Free Men*, Francis Biddle's *The Fear of Freedom*, and Walter Gellhorn's *Security, Loyalty and Science*. I fear that the average American—for whom the recommended reading list was intended—would hardly get a balanced view from the material offered.<sup>3</sup>

The *Digest* is a compilation of federal and state statutes and regulations, municipal ordinances, court decisions, legislative committee hearings and reports, and documents published by executive departments and agencies. Im-

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2. *Id.* at 139.

3. After the above had been written the New York Times reported that The Fund for the Republic has decided to revise the *Bibliography* "because of criticism from scholars and writers" who say "important anti-Communist works have been omitted." According to the Times, Professor Philip Taft of Brown University wrote to Professor Rossiter: "You deserve a vote of thanks from the Communist Party. . . . For non-Communists it is an outrageous performance." Professor Taft also charged that certain of his articles had been omitted. Similar criticism likewise came from James T. Farrell, novelist and chairman of the American Committee for Cultural Freedom, and Dr. John A. Sessions, assistant director of the training institute of the International Ladies Garment Workers Union. N.Y. Times, Oct. 29, 1955, p. 1, col. 2. The following day the Times reported that Professor Rossiter denied that the decision to revise was "based on the irresponsible criticism of Philip Taft and James T. Farrell." N.Y. Times, Oct. 30, 1955, p. 16, col. 1.

The charge that the *Bibliography* is slanted in favor of Communism—either deliberately or otherwise—seems to this reviewer sheer fantasy. But if a second try is to be made, improvements undoubtedly could be achieved. It is to be hoped that the new edition will not only list the works of Lowenthal, Reppy and Arnold, but will include the protests of Taft, Farrell and Sessions as examples of the temper of the times.

portant parts of statutes, regulations and ordinances are set out verbatim; court decisions are digested; and the hearings and reports are briefly described or summarized. The material is divided into (1) federal statutes, regulations and decisions; (2) state statutes and decisions, with a supplement on municipal ordinances; and (3) legislative and executive hearings, reports and other documents. The first two parts are subdivided by subject matter, with a short introduction to each and usually a reference to some of the legal writing on the subject. The material in the third part is grouped under the particular committee or agency; but there is a topical guide which facilitates reference by subject matter. A comprehensive index is supplied.

The coverage of the *Digest* is broad. It includes not only information about treason and sedition laws, all phases of the loyalty program, and legislative investigations, but also material on aliens, postal laws, perjury, defamation, what it calls "denial of incidental benefits" such as veterans' rights (which the individual involved may not look upon as "incidental"), and numerous other areas that have been affected by the efforts to stamp out "subversion."

The project has been well conceived and well executed. The *Digest* brings together, in a form that makes the material most usable, a staggering amount of basic data which would be difficult or in some cases impossible for any single mortal to obtain. The collection of municipal ordinances is not available anywhere. And the compilation and digest of the numerous legislative hearings are a real boon to anyone working in the field.

Two difficulties with the *Digest* may be pointed out. One is that the references to legal discussions are wholly inadequate; presumably the *Bibliography* was to take care of this. The other is the problem of keeping the material current. Events move so swiftly on this front that only a loose-leaf service can really cope with them. The service recently inaugurated by the Bureau of National Affairs—*Government Security and Loyalty*—fulfills this need in one major area. But it is too bad that The Fund for the Republic did not put the *Digest* on a loose-leaf basis. Possibly it will supply a supplement now and then.

Ploughing through these two huge volumes brings home to one, as isolated reading may not, the appalling concentration of our society in the last decade upon issues of "loyalty" and "subversion." One is struck partly, of course, by the extremes and absurdities. One's eye catches the Los Angeles ordinance that requires the registration of every resident and every person "who regularly enters or travels through any part of the territory of the City of Los Angeles, and who is a member of any communist organization," and then goes on to make it a misdemeanor for any such registered person to "Buy, sell, own, possess or control any revolver, pistol, dagger, dirk, slug, high-powered air rifle, billy, or other concealed weapon."<sup>4</sup> Or one notes the question to be answered by all candidates for admission to the bar in Hawaii:

"If you were to be listed as a 'Communist' in the records of any federal investigative agency, what past actions or organizational affiliations of

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yours not already listed by you might be used by such investigative agency to support its conclusion? In answering this question, assume that all of your past actions and organizational affiliations are known to such investigative agency."<sup>5</sup>

These are indications of the frenzy in which we have approached the problem. But the sheer mass of the materials is even more appalling. The volume of statutes, regulations, ordinances, decisions, hearings and reports—all seeking to probe into the political activities, associations and beliefs of millions of our fellow citizens—has to be seen in one digest for its full implications to be realized. Surely a people so unsure of itself, so ready to panic, so endlessly committing its time, resources and talents to suspecting its own members, needs to take a fresh look at itself and at what it has assumed to be its problem. Unless we pull ourselves together and act like a mature people, we can scarcely hope to solve the real problems that confront a democratic society today.

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5. *Id.* at 422.

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